

9
IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 16TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C.BHARUKA

WRIT PETITION NO.16537/98

BETWEEN:

C.L.Ghagane,
s/o.Laxman Ghagane,
Junior Asst.,
Accounts Section,
K.S.R.T.C.Belgaum Divn.,
Belgaum.

51
..PETITIONER

(By Sri B.Prabhu Devru, Adv.)

AND:

1. The Karnataka State Road
Transport Corporation,
by its Managing Director,
K.H.Road, Central Offices,
Bangalore-27.
2. The Managing Director,
North West Karnataka Road
Transport Corporation,
Gokul Road,
Hubli.
3. The Divisional Controller,
K.S.R.T.C.,
Belgaum Divn., Belgaum.
4. The Accounts Officer,
K.S.R.T.C., Belgaum Divn.,
Belgaum.

.. RESPONDENTS

(By Sri P.R.Ramesh, Adv.)

This writ petition is filed under Articles 226 and 227 of the Constitution praying this Court to quash Annexure-D dated 26.2.98 passed by R-4.

This petition coming on for preliminary hearing this day, the Court made the following:

ORDER

The petitioner is working as a Junior Assistant in the Accounts Section of Karnataka State Road Transport Corporation, Belgaum Division. He has filed the present writ petition questioning the validity of the order dated 26.2.1998 (Annexure-D) which has been passed by the respondent as a Disciplinary Authority exercising his powers under Regulation 19(2) of the Karnataka State Road Transport Corporation Servants (C & D) Regulations, 1971. He has awarded punishment of reduction of pay of the petitioner by one incremental stage with cumulative effect.

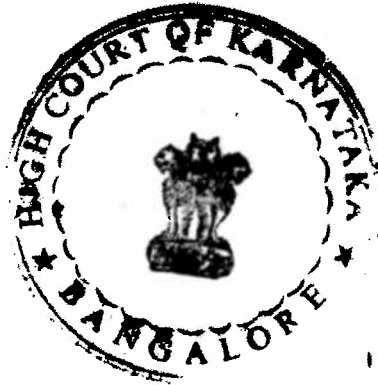
2. The petitioner was served with Article of Charges requiring him to file a show cause, which the petitioner ~~has~~ filed as per Annexure-C. Any how since keeping in view the law laid down by this Court in the case of ANKAPPA -vs- MANAGEMENT OF KSRTC, BANGALORE (ILR 1996 KAR 3050) the first respondent has filed an affidavit stating therein:

"In order to comply with the principles of natural justice and the decisions on the point, I pray leave of this Hon'ble Court to withdraw the proceedings initiated against the petitioner with liberty to initiate fresh proceedings by the Corporation. It is prayed accordingly"

53

3. Since the impugned order is sought to be withdrawn by the Disciplinary Authority, no further relief is admissible to the petitioner. The writ petition is accordingly dismissed as having become infructuous setting liberty to the Disciplinary Authority to proceed afresh in accordance with law. No costs.

sgs/



Sd/-
JUDGE